

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:19 CV 280 MOC WCM**

**MEGHAN MARIE NEIRA,  
individually and on behalf of  
similarly situated persons,**

**Plaintiffs,**

**v.**

**GOODFELLA'S PIZZA, Inc.,  
and AARON FOX,**

**Defendants.**

**ORDER**

This matter is before the Court on a Consent Motion to Amend the Scheduling Order (the “Motion,” Doc. 31), by which the parties request that the remaining pretrial deadlines be extended by ninety days and that trial in this matter be reset to a term on or after July 4, 2022.

The current deadlines and proposed deadlines are:

	Current	Proposed
Discovery:	October 15, 2021	January 13, 2022
Mediation:	October 22, 2021	January 20, 2022
Motions:	November 12, 2021	February 10, 2022

The parties state that the requested extensions are justified due to the delays, restrictions, quarantines, and scheduling conflicts they have encountered as a result of the COVID-19 pandemic. The parties assert that the pandemic has generally “slowed the progress of pre-trial discovery,” and

specifically cite defense counsel's "lengthy hospitalization and subsequent five-week quarantine." Doc. 31 at 1-2.

An initial scheduling order was entered on March 31, 2020, Doc. 14, and a Pretrial Order and Case Management Plan setting deadlines for the completion of court-enforceable discovery, mediation, and the filing of dispositive motions was entered on January 28, 2021. Doc. 29.

The undersigned is not unsympathetic to the issues presented by the global pandemic. At the same time, it is not apparent why extensions of the length requested by this Motion are warranted.

Consequently, the parties will be provided with some additional time to complete pre-trial preparations, though the Motion will be allowed in part in order to preserve the existing trial setting. Further, the parties are advised that they should plan to complete the briefing of any dispositive motions within the timeframes set by the Local Rules and without the extension of any response/reply deadlines.

**IT IS THEREFORE ORDERED THAT:**

1. The Consent Motion to Amend the Scheduling Order (Doc. 31) is

**GRANTED IN PART**, and the following deadlines are **EXTENDED**:

- a. Discovery through and including November 12, 2021.
- b. Mediation through and including November 19, 2021.
- c. Motions through and including December 14, 2021.

2. All other provisions of the Pretrial Order and Case Management Plan (Doc. 29), including the April 4, 2022 trial setting, remain in effect.

Signed: September 27, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

